

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claim 3 is canceled herein without prejudice or disclaimer.

Claims 1, 7, 11, 15, 19 and 23 are amended herein.

In view of the above, it is respectfully submitted that claims 1, 2 and 4-24 are currently pending and under consideration.

II. REJECTION OF CLAIMS 7, 11, 12, 15-17, 23 and 24 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

On page 2 of the Office Action, claims 7, 11, 12, 15-17, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph. Claims 7, 11, 15 and 23 are amended herein and deemed to overcome the Examiner's rejection. The lens of a pickup is not being positively recited as it is the disk cartridge, which is being recited. The use of the lens of the pickup in the preamble is to indicate that one such use of the disk cartridge is with the lens having a particular characteristic.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 1, 2, 4-6 AND 18-20 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY HAGIWARA (JP 1-315085)

On page 3 of the Office Action, claims 1, 2, 4-6 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagiwara (JP 1-315085).

The present invention as recited in claim 1, for example, relates to a disk cartridge comprising "a transparent window attachable to and detachable from the case so as to allow an external light to access the disk in the case."

The Examiner indicates that Hagiwara discloses a disk cartridge 1 containing a disk D and having a transparent window 4.

However, Hagiwara discloses a transparent window which is not the same as the claimed transparent window. Moreover, the transparent window 4 of Hagiwara is not attachable to and detachable from the case of the disk cartridge 1 like the transparent window recited in claim 1 of the present application. Therefore, Hagiwara fails to disclose or suggest the features

recited in claim 1 of the present application.

Similar to claim 1, independent claims 13 and 19 recite a transparent window which is attachable to and detachable from the case of the disk cartridge. Therefore, Hagiwara does not disclose or suggest the features recited in claims 13 and 19 of the present application.

Claims 2, 4-6 and 18, and claim 20 depend from claims 1 and 19. Thus, for at least the reasons that claims 1 and 19 distinguish over the cited prior art, it is respectfully submitted that claims 2, 4-6, 18 and 20 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIMS 3, 7-17 AND 21-24 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER KAWAKAMI ET AL. (JP 4-302871)

On page 5 of the Office Action, claims 3, 7-17 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. (JP 4-302871). However, the Examiner only mentions the teachings of Hagiwara, as evident by the Examiner's arguments on pages 5-7.

Nonetheless, the comments in section III above also apply here because claims 3 and 7-12, claims 14-17, and claims 21-24 depend from independent claims 1, 13, and 19. Therefore, for at least the reasons that claims 1, 13, and 19 distinguish over the cited prior art, it is respectfully submitted that claims 3, 7-12, 14-17 and 21-24 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8-4-03

By: Derrick L. Fields
Derrick L. Fields
Registration No. 50,133

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501